



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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Via Facsimile (212) 805-7906
The Honorable Denny Chin
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1020
New York, New York 10007-1581

Re:Tolliver v. DOCS, et al., 08 Civ. 456

August 14, 2008
USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 8/15/08
DATE FILED: 8/15/08 (DC)

Dear Judge Chin:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, and currently represent defendants Dr. Bentivegna, Nurse William Miller (named "Nurse Andy" in the Complaint) and the New York State Department of Correctional Services ("D.O.C.S.").¹

I previously wrote to the Court to request an extension of time to respond on behalf of Dr. Bentivegna that would be long enough for the other defendants to be served and request representation. Defendants' response to the Complaint is currently due August 18, 2008, as per the Court's prior endorsement. It is respectfully requested that this deadline be adjusted on behalf of all defendants to August 21, 2008. The reason for this request is that during the course of preparing defendants' response it has come to my attention that certain background materials potentially necessary to properly prepare a response were not requested by my office and I have now requested them. These materials may not arrive in time for the August 18 deadline, but should be available before August 21.

I have not requested plaintiff's permission for this minor revision of the applicable deadline because he is currently incarcerated and it is likely that a response, if any, will be received after deadline expires. This is the second request for an extension in this matter on behalf of Dr. Bentivegna and the first request on behalf of the other defendants. The request does not appear to impact any other previously scheduled deadlines.

We thank the Court for its consideration in this matter.

Respectfully submitted,

 Jeb Harben
Assistant Attorney General

cc: Eric Tolliver, DIN 94-B-1563
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582

*Approved.
so ORDERED.
ws DJ
8/15/08*

¹ Defendants Miller and D.O.C.S. received copies of the Complaint and requested representation from my office since I last wrote to the Court on July 1, 2008.